

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

MARCELO G. CASTILLO, M.D.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
(90 MED 234)

The parties to this proceeding for purposes of sec. 227.53, Stats. are:

Marcelo G. Castillo, M.D.  
1610 North Prospect Avenue  
Milwaukee, WI 53202

Wisconsin Medical Examining Board  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Marcelo G. Castillo, M.D., personally, and by his attorney, Kevin M. Costello, and by Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Marcello G. Castillo, M.D., 1610 North Prospect Avenue, Milwaukee, Wisconsin 53202 was born on 12/15/25 and has been licensed to practice medicine and surgery in the State of Wisconsin since 01/07/70, license #17058. Dr. Castillo's registration expired on 11/01/95 and he is not currently registered to practice medicine and surgery in the State of Wisconsin.

2. A formal investigation, 90 MED 234, is pending before the Wisconsin Medical Examining Board. The allegation which is the focus of the investigation is that Dr. Castillo failed to intervene by C-section when the patient was experiencing a prolonged labor with evidence of fetal distress.

3. Dr. Castillo is currently retired from the practice of medicine and surgery in the State of Wisconsin and has been retired since December, 1993. Dr. Castillo does not intend to return to the practice of medicine and surgery at any time in the future.

4. Dr. Castillo is not licensed to practice medicine and surgery in any other states.

5. Dr. Castillo, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, has voluntarily agreed that he will not register or attempt to register at any time in the future.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this matter pursuant to sec. 448.02, Stats.

2. The Wisconsin Medical Examining Board has the authority to resolve this matter by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Dr. Castillo shall not register or attempt to register to practice medicine and surgery in the State of Wisconsin at any time in the future.

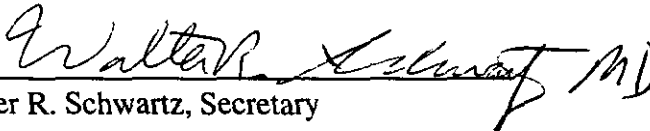
IT IS FURTHER ORDERED that Dr. Castillo shall not practice or attempt to practice medicine and surgery in the State of Wisconsin when not currently registered.

IT IS FURTHER ORDERED that the pending investigation, 90 MED 234, shall be and hereby is closed without further proceedings.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 27<sup>th</sup> day of June, 1996.

WISCONSIN MEDICAL EXAMINING BOARD

  
Walter R. Schwartz, Secretary

GCL:kcb  
ATY-DLG2230

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF	:	
	:	
MARCELO G. CASTILLO, M.D.,	:	STIPULATION
RESPONDENT.	:	(90 MED 234)

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It is hereby stipulated between Marcelo G. Castillo, M.D., personally, and by his attorney, Kevin M. Costello, and Gilbert C. Lubcke, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Marcelo G. Castillo, M.D., 1610 North Prospect Avenue, Milwaukee, Wisconsin 53202 was born on 12/15/25 and has been licensed to practice medicine and surgery in the State of Wisconsin since 01/07/70, license #17058. Dr. Castillo's registration expired on 11/01/95 and he is not currently registered to practice medicine and surgery in the State of Wisconsin.
2. A formal investigation, 90 MED 234, is pending before the Wisconsin Medical Examining Board. The allegation which is the focus of the investigation is that Dr. Castillo failed to intervene by C-section when the patient was experiencing a prolonged labor with evidence of fetal distress.
3. Dr. Castillo is currently retired from the practice of medicine and surgery in the State of Wisconsin and has been retired since December, 1993. Dr. Castillo does not intend to return to the practice of medicine and surgery at any time in the future.
4. Dr. Castillo is not licensed to practice medicine and surgery in any other states.
5. Dr. Castillo, in consideration of his retirement from the practice of medicine and surgery in the State of Wisconsin, voluntarily agrees that he will not register or attempt to register at any time in the future.
6. The pending investigation, 90 MED 234, will be closed without further proceedings.
7. The Wisconsin Medical Examining Board may enter the Final Decision and Order, a copy of which is attached hereto and incorporated herein.
8. The parties waive all costs of this proceeding.
9. Dr. Castillo understands that by signing this Stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, the right to confront and cross-examine witnesses against him, the right to call witnesses on his

behalf and to compel their attendance by subpoena, the right to testify on his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the Final Decision and Order, the right to petition for rehearing, the right to judicial review, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

10. The parties to this Stipulation and the Board Advisor, Walter R. Schwartz, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation. Any appearance by any party pursuant to this paragraph shall be preceded by proper and timely notice to all parties to this proceeding.

11. If any term of this Stipulation or the incorporated Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation or the Final Decision and Order will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further proceedings.

Dated: May 18, 1996 Marcelo G. Castillo, M.D.  
Marcelo G. Castillo, M.D.

Dated: 5/20/96 Kevin M. Costello  
Kevin M. Costello  
Attorney for Marcelo G. Castillo, M.D.

Dated: 5/22/96 Gilbert C. Lubcke  
Gilbert C. Lubcke  
Attorney for the Department of Regulation & Licensing  
Division of Enforcement

GCL:kcb  
ATY-DLG2229

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

June 28, 1996

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)